



zlw
DLC

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/791,249

Filing Date

Mar 2, 2004

First Named Inventor

Michael Fiske

Art Unit

2183

Examiner Name

Unknown

Attorney Docket Number

11-2

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/
Incomplete Application
- ☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation
Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify
below):

1. Request to Withdraw the
Petition to Revive...
2. Return postcard

Remarks

The attached papers have been faxed, and are being sent again
as confirmation. The return postcard is not included in the total
number of pages.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

David Lewis, Registered Patent Agent

Signature

David Lewis

Printed name

David Lewis

Date

Aug 4, 2006

Reg. No.

33,101

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

David Lewis

Typed or printed name

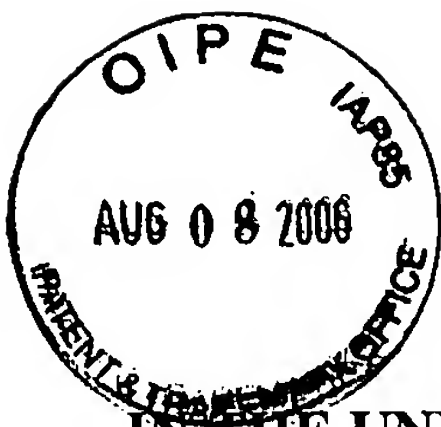
David Lewis

Date

Aug 4, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



DAC/PRW
4876

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: John Sinko et al. GROUP: 1714
SERIAL NO: 10/652,792 EXAMINER: Edward J. Cain
FILED: August 29, 2003
FOR: CONDUCTIVE POLYMER-INORGANIC HYBRID COMPOSITES

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

Further to the communication mailed on July 25, 2006 and in response to the communication mailed on July 25, 2006, indicating that the above identified application has been abandoned due to a late payment of the Issue Fee, attached hereto is a copy of the a Petition for Revival of an Application for a Patent Abandoned Unintentionally Under 37 CFR 1.137(b) which was mailed on June 29, 2006, along with copies of the Issue Fee transmittal and our receipted postcard which was date stamped by the United States Patent and Trademark Office on July 3, 2006.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 8/4/06

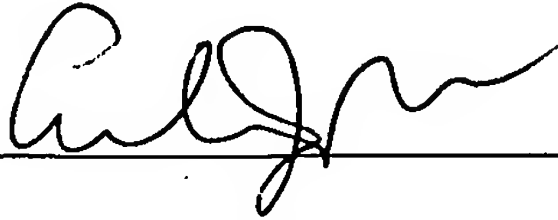
Kate L. Ricciarelli

(Type or print name of person mailing letter)

[Signature]
(Signature of person mailing paper)

Thus, the Applicants' respectfully request that you grant the Petition for Revival and accept payment of the issue and publication fee.

Respectfully submitted,



Arlene J. Powers
Registration No. 35,985
Gauthier & Connors LLP
225 Franklin Street, Suite 2300
Boston, Massachusetts 02110
Telephone: (617) 426-9180
Extension 110

COPY

File No. 4876

PETITION FOR REVIVAL OF A PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

First named inventor: John Sinko

SERIAL NO.: 10/652,792

FILED: August 29, 2003

FOR: CONDUCTIVE POLYMER-INORGANIC HYBRID COMPOSITES

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for in reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Mail Stop Petitions


Kate L. Ricciarelli

Date: 6/29/06

1. Petition Fee

- ☒ Small entity - Fee \$ 750.00 (37)CFR 1.17(m)
☐ Small entity statement enclosed herewith.
☒ Small entity statement previously filed.
☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted U.S. National Phase Filing in the form of Issue Fee (identify type of reply):

- ☐ has been filed previously on _____.
☒ is enclosed herewith.

B. The issue fee of \$700.00


- ☐ has been paid previously on _____.
☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$ _____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Date: 6/29/00



Arlene J. Powers
Reg. No. 35,985
Gauthier & Connors LLP
225 Franklin Street, Suite 3300
Boston, MA. 02110
(617) 426-9180, Ext. 110

Enclosures: ☒ Fee Payment: \$1,750.00 for Issue fee, Publication fee and Petition fee

☒ Reply: Issue Fee transmittal

☐ Terminal Disclaimer Form

☐ Small Entity Status Form

☐ Other



I certify that this correspondence was
(1) placed in an envelope addressed to

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450,

and (2) deposited with the United
States Post Office with sufficient
postage for first class mail or faxed to
fax number 571-273-0125 and 571-
273-8300 on or before the date of

Aug. 4, 2006 by

David Lewis
David Lewis

Serial Number:	10/791,249
Confirmation Number:	5568
Filing Date:	March 2, 2004
First Named Inventor:	Michael Fiske
Examiner:	Unknown
Art Unit	2183
Docket Number:	11-2
Title:	EFFECTOR MACHINE COMPUTATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Request to Withdraw the Petition to Revive, Because the Petition is Moot

On July 25, 2006, a petition to revive the above-identified application was filed by mistake, because the application was never abandoned. The Applicant respectfully requests that the petition be withdrawn and the petition fee be refunded.

Explanation

The Applicant filed PCT/US06/26159, on July 3, 2006, and PCT/US05/44660 on December 9, 2006. At the time of filing the petition to revive, the Applicant's representative had confused these two applications for one another and therefore thought that a rescission of the nonpublication request (and the notification of foreign filing of the present application) had not been filed within the 45 day time period of the filing of

PCT/US05/44660 on December 9, 2006, as would have been necessary to prevent abandonment. However, the subject matter of the current application is not contained within PCT/US05/44660. Although the subject matter of the current application is contained within PCT/US06/26159, 45 days after the filing date (July 3, 2006) of PCT/US06/26159 is August 18, 2006. A rescission of the nonpublication request was filed with the petition to revive on July 25, 2006, which was well before the deadline of August 18, 2006. Additionally, as a precaution a second rescission was filed by facsimile on the same day as this request for withdrawal, except the second rescission has Mail stop PG PUB on it and was faxed to 571-273-8300, whereas the first rescission was mailed to the Office of Petitions with the petition to revive. Accordingly, the current application is not and never was abandoned.

Alternative Request (if the above request cannot be granted)

Alternatively, if for some reason it is not possible to withdraw the petition to revive and refund the petition fee, the Applicant respectfully requests that the above remarks be considered with the Petition to Revive.

Conclusion

The Applicant respectfully requests to withdraw the petition to revive filed on July 25, 2006, because the present application was never abandoned, as explained above, and therefore the petition is moot. Alternatively, if for some reason the US Patent and Trademark Office cannot grant the present request to withdraw the petition to revive, it is requested that the above comments be considered with the petition to revive.

Please charge any fees that may be due (and that have not been paid for elsewhere) and credit any overpayment to Deposit Account # 503345.

Please feel free to contact the Applicant's undersigned representative at 408-993-1800 if contacting the Applicant's undersigned representative will be helpful in any way.

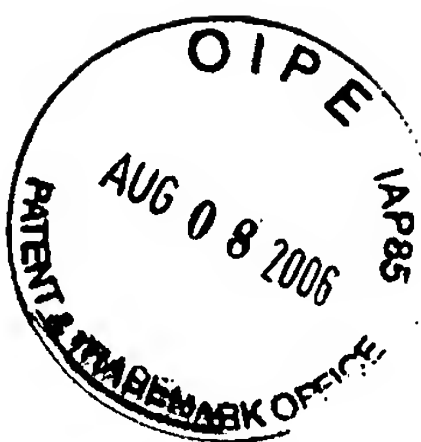
Respectfully Submitted,


David Lewis

Aug 4, 2006
Date

Registration Number 33,101
1250 Aviation Avenue, Suite 200B
San Jose, California 95110

Attachment to Notice of Abandonment



**For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

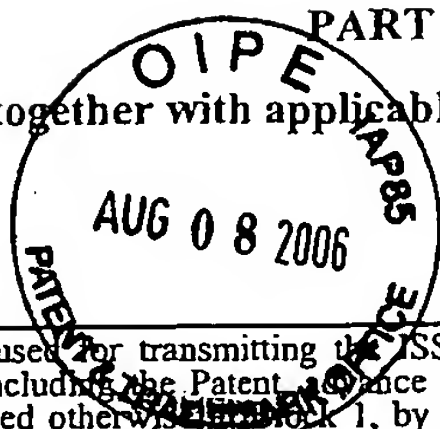
Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

COPY



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent Office orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise. Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

55740 7590 03/28/2006

GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
BOSTON, MA 02110

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Kate L. Ricciarelli	(Depositor's name)
	(Signature)
	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,792	08/29/2003	John Sinko	4876	3407

TITLE OF INVENTION: CONDUCTIVE POLYMER-INORGANIC HYBRID COMPOSITES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	06/28/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CAIN, EDWARD J	1714	524-430000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Gauthier & Connors LLP
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

The Board of Governors for Higher Education
State of Rhode Island and the Providence
Plantations

Providence, Rhode Island

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number: 19-0079 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

6/29/06

Typed or printed name

Arlene J. Powers

Registration No.

35,985

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

COPY
Notice of Abandonment

Application No.

10/652,792

Examiner

CAIN, EDWARD J

Applicant(s)

John Sinko

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☒ The issue fee and publication fee, if applicable, was received on 07/03/06 (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



COPY

Mailed on June 29, 2006
Enclosed are the following in re:
U.S. Pat. Application of Sinko et al.
Serial No.: 10/652,792
Filed: August 29, 2003

4876

RECEIVED

JUL 10 2006

**CONDUCTIVE POLYMER-INORGANIC
HYBRID COMPOSITES**

- 1) Petition for Revival of a Patent Abandoned
Unintentionally Under 37 CFR §1.137(b)
- 2) Issue Fee Transmittal (in duplicate)
- 3) \$1,750.00 Check for Petition Fee,
Issue Fee and Publication Fee

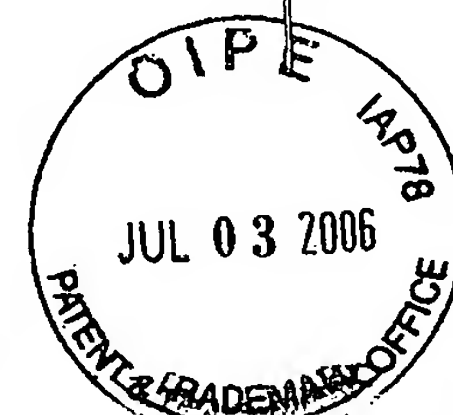
GAUTHIER & CONNORS LLP
This Paper Was
Received By PTO On:

RECEIVED

JUL 09 2006

AJP/klr

GAUTHIER & CONNORS LLP



DOCKETED